

SHER TREMONTE LLP

July 2, 2021

VIA ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, New York 10007

Re: *Taboola, Inc. v. Ezoic Inc. and Dwayne Lafleur*
Case No. 17-CV-9909 (PAE)

Dear Judge Engelmayer:

We represent Plaintiff Taboola, Inc. (“Taboola”) in the above-referenced matter. We write to request the limited sealing of Taboola documents submitted by Defendants on their motion for summary judgment. Following the Court’s order requiring Defendants to re-file their motion papers with no, or far fewer, redactions (Dkt. #148), Defendants have now, at Taboola’s request, re-filed certain Taboola documents with the following restrictions:

- 1) Taboola’s Publisher Agreements have been publicly filed, with redactions only to the publishers’ revenue splits and term durations (Exhibits 13, 18, 19, 23, 30, 31, 33, 37, 38, 41, 45, 46, 57, and 61); and
- 2) revenue spreadsheets showing the precise revenue amounts earned by Taboola and various publishers have been filed under seal (Exhibits 22, 47, 48, and 59).

Taboola respectfully submits that these limited restrictions, which are intended to protect confidential and commercially sensitive financial information about Taboola and its publishers, are warranted and do not unduly impede the public’s ability to access relevant information about this case. *See, e.g., Tyson Foods, Inc. v. Keystone Foods Holdings, Ltd.*, No. 1:19-CV-010125 (ALC), 2020 WL 5819864, at *2 (S.D.N.Y. Sept. 30, 2020) (recognizing non-public “revenue information, pricing information, and the like” as categories of commonly sealed documents that are “sensitive and potentially damaging if shared with competitors”); *Hypnotic Hats, Ltd. v. Wintermantel Enterprises, LLC*, 335 F.Supp.3d 566, 600 (S.D.N.Y. Sept. 28, 2018) (same).

The Honorable Paul A. Engelmayer
July 2, 2021

Respectfully submitted,

By: /s/ Mark Cuccaro

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Attorneys for Plaintiff Taboola, Inc.

Granted. SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge
7/6/2021